IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2641 OF 2007

Jagitsingh Gurbachansingh ..Applicant

V/s.

Shri Kamal Sovan Mehta & Anr. ..Respondents

Mr.Prakash Naik for the applicant.

Mr.S.S.Pednekar APP for respondent no.2.

Mr.Sudeep Pasbola for respondent no.1.

CORAM : V.C.DAGA,J

Date : 22.10.2007.

PC

1. Heard the learned Advocate for the applicant. This is an application for cancellation of bail granted by the learned Sessions Judge by order dated 12.5.2007 observing as under :-

> . Applicant/Accused is in custody for more than nine months and Accused No.2 in this case is already released on bail in the sum of Rs.25,000/- charge sheet is filed in this case. It appears that trial is not likely to be completed in near future. Offences are based upon documents and oral allegations are not conclusive about guilt of the Applicant/Accused. Applicant/Accused No.1 is not to be detained by way of punishment before trial and there will be miscarriage of justice if

applicant/accused is not released on bail. That applicant/accused no.1 is also entitled for bail on the ground of parity. I am therefore inclined to enlarge the applicant/accused on the same condition and pass the following order.

2. Having seen the aforesaid reasons given and considering the fact that the accused is already in custody for 1 year & 9 months, I do not think that the learned Sessions Judge has committed any error in granting bail. The view taken by the learned Sessions Judge is a reasonable and possible view. Application is therefore, rejected.

(V.C.DAGA,J)